

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

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RICHARD J. TESTA, JR., individually, and on  
behalf of all others similarly situated,

Civil Action No. 07 CV 8320 (AKH)

Plaintiff, ECF Case  
- against -

MERRILL LYNCH, PIERCE, FENNER &  
SMITH, INC., JOHN DOES 1-50 (said names  
being fictitious individuals), and ABC  
CORPORATIONS 1-50 (said names being  
fictitious companies, partnerships, joint ventures  
and/or corporations),

Defendants.

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**STATUS REPORT**

In connection with efforts to resolve this and several other actions asserting  
similar claims against defendant Merrill Lynch, Pierce, Fenner & Smith, Incorporated, the parties  
have stipulated to, and this Court entered, an order staying all proceedings in this action and  
providing that the parties should file a report on or before March 31, 2008, to update the Court  
on the status of their settlement efforts.

This status report is submitted in accordance with the Court's directive. The  
parties have executed a memorandum of understanding reflecting their agreement to settle the  
matters. At this time, the parties have agreed to all material terms and a final settlement  
agreement is being prepared for circulation and execution.

The parties respectfully request that all proceedings in this matter continue to be  
stayed so that they can obtain the signatures of all counsel on the formal settlement agreement

and proceed toward securing Court approval of the settlement. They propose that they report back to the Court regarding status on or before June 30, 2008.

Dated: March 28, 2008

By:

/s/

A. Michael Weber  
State Bar No. AW-8760  
LITTLER MENDELSON  
A Professional Corporation  
885 Third Avenue, 16<sup>th</sup> Floor  
212.583.9600 (Telephone)  
214.880.0181 (Fax)

Terry E. Sanchez  
(Admitted *Pro Hac Vice*)  
California State Bar No. 101318  
Katherine M. Forster  
(Admitted *Pro Hac Vice*)  
California State Bar No. 217609  
(Attorneys-in-Charge)  
MUNGER TOLLES & OLSON LLP  
355 S. Grand Ave., 35th Floor  
Los Angeles, CA 90071-1560  
213.683.9538 (direct)  
213.593.2838 (fax)

Attorneys for Defendant Merrill Lynch,  
Pierce, Fenner & Smith Incorporated

Dated: March 28, 2008

By:

  
Kenneth A. Elan  
State Bar No. KAE1729  
217 Broadway, Suite 606  
New York, NY 10007  
212.619.0261 (Telephone)  
212.385.2707 (Fax)

John Halebian  
State Bar No. JH-8005  
Adam C. Mayes (AM-1101  
LOVELL STEWART HALEBIAN LLP  
500 Fifth Avenue  
New York, NY 10110  
212.608.1900 (Telephone)  
212.719.4775 (Fax)

Attorneys for Plaintiff